

**Washington County Land Use Authority Meeting**  
**July 12, 2011**  
**(Recording available)**

The Washington County Land Use Authority Meeting was held on Tuesday, July 12, 2011 at the Washington County Administration Building, 197 E. Tabernacle, St. George, Utah. The meeting was convened at 1:30 p.m. by Chairman Mike Stucki.

Commissioners present: Dave Everett, Doug Wilson, JoAnn Balen, Deborah Christopher, Rick Jones, and Kim Ford.

Absent: Julie Cropper

Staff present: Deon Goheen, Planning & Zoning Administrator; Todd Edwards, County Engineer; Rachelle Ehlert, Deputy Attorney; Eric Clarke, Deputy Attorney; Kurt Gardner, Building Official; Kim Hafen County Clerk; John Willie, Planning Administrator; and Doreen Bowers-Irons, Planning Secretary.

Audience attendance: Phil Packard, Mary Jo Hermandson, Paul J. Wilson, Gene L. Beck.

Chairman Stucki led the audience in the Pledge of Allegiance after which, he explained the meeting protocol.

**I. STAFF COMMENTS.** Review staff comments for each agenda item listed; Staff initiated.

**II. CONDITIONAL USE PERMIT EXTENSION.** Request permission to locate a temporary batch plant and job site trailer within the OSC-20 zone, for the expansion of the Red Butte Substation located on Forest Service land near Central; Schmidt Construction, applicant.

The Planner reported this is an automatic annual review on a temporary batch plant on site to facilitate a job for the Pacific Corp (Rocky Mountain Power) Red Butte Subdivision near Central. The request was tabled the last two (2) months, due to a lack of representation. As previously reviewed, they may haul gravel to this site from their pit in Iron County or utilize product from the Carl Bowler pit near Veyo if it does not have any clay. They have approvals from the Forest Service on this project and the commission will need to review this use conditionally within the OSC zone as being a use similar to the conditional uses and in harmony with the character and intent of the zone (10-6A-3 County Code). The applicant previously submitted permits from the Forest Service, Air Quality Service, and OSHA Certification. The site will have a couple of job site trailers, two port-a-potties, and the batch plant outside the perimeter of the substation site.

The planner stated Staff believes the project is completed and the Forest Service land permits expire at the end of the month. An individual contacted the County inquiring about purchasing the equipment; therefore, if no representative is here the Conditional Use Permit should lapse.

**There was no representative for this item and no action was taken. The Conditional Use Permit expired.**

**III. CONDITIONAL USE PERMIT EXTENSION.** Review Conditional Use Permit Extension to construct and operate an asphalt processing plant, within the I-1 zone, Section 1, T40S, R13W, SLB&M, located near Pintura; Sunroc Corporation/Russell, Leslie, and Dana Truman, applicants.

The Planner reported this item was tabled last month, due to a lack of representation. This will be the 4<sup>th</sup> extension of the Conditional Use for an asphalt plant on 31.5 acres near Pintura. This year's review will include a temporary site plan/use for construction on Interstate 15, as they are using the same temporary facility used previously. The County Commission approved the I-1 Zone change on the March 6, 2007 and the CUP on March 27, 2007 (County Code 10-12-3). Prior to receiving a building permit on the permanent facility, the Planning Commission will have to grant Site Plan Approval (County Code 10-12-4:D), and at that time, the

Commission will need to review Title 10-12-5: Special Provisions, which may need to be considered with the Conditional Use Permit or Site Plan Approval. Access for haul trucks would be from the Browse Exit on I-15, with ingress and egress from an existing County Road and a private easement, which was installed when the temporary plant operation was approved several years ago. (See vicinity map, original site plan and minutes attached) The motion in 2007 was as follows: ***"...to recommend approval of the Conditional Use Permit, for a period of one (1) year, subject to site plan approval. The one year will begin at the time of activation, with no activity allowed beforehand."***

There have been no complaints on the project this year. There were complaints last year that the company remedied as far as dust and noise from the plant. If the applicants are ready, permanent status could be granted on this project.

Gene Beck representative of SUNROC expressed his apologies for missing the previous meetings. He explained how they have mitigated the complaints and other issues. In addition, they have met all of the conditions the Planning Commission imposed for this use. At this point, they do not want permanent status but would like the Conditional Use Permit extended for another year. He asked if there were any questions.

Commissioner Everett asked what the intent for the future was for this site. Mr. Beck stated they have been working with the surplus material already onsite. They have not crushed and most likely will not crush any material for the rest of the year. The rock is currently being used by WW Clyde for the highway construction. When that project is completed, and if work is available, they will use the remaining materials. If there are no jobs, the plant will sit dormant until such time as needed.

**Motion: Commissioner Ford MOVED to recommend that the County Commission approve the Conditional Use Permit Extension for one year to construct and operate an asphalt processing plant, within the I-1 zone, Section 1, T40S, R13W, SLB&M, located near Pintura, for applicant SUNROC Corp. Commissioner Jones SECONDED. The motion carried with all six (6) Commissioners voting in favor.**

This item will go before the County Commission for approval on the consent agenda August 2, 2011.

**IV. CONDITIONAL USE PERMIT EXTENSION.** Review extension request for a gravel crushing operation in the Pintura area of Washington County; Dana Truman/SUNROC, applicant.

The Planner presented pictures of the project. She reported this also was tabled last month, due to a lack of representation. The commission may recall there have been two 90-day reviews; this will be the 3<sup>rd</sup> annual extension for the gravel crushing operation. In 2008, the first contract with UDOT for improvements to Interstate 15 was fulfilled and now there is a second contract, so there will be a need to operate during the nighttime hours. There have been recent complaints from a resident in Pintura about the noise. This is the annual review for the crushing operation that County Commission approved within the OST-20 Zone. Access for haul trucks would be from the Browse Exit on I-15, with ingress and egress from an existing County Road and a private easement. The commission addressed the following issues as a part of their previous motion in 2007: ***"... hours of operation from 4:00 a.m. to 10:00 p.m., noting that the applicant will work in concert with the adjoining I-1 zone for sanitary and waste disposal, and other support for employees. Also noting that if the crusher is moved from Phase 1 on the site plan to Phase 2, an additional Conditional Use Permit will be required, and that the property will be properly signed for safety with relationship to access, and that a stop sign will be installed as entering from the property to the frontage road."***

Gene Beck also represented this item. He reiterated that they have not crushed at this plant and don't expect to this year. They are not ready to move to permanent status at this time and asked that the Conditional Use Permit extension be approved. He asked if there were any questions.

Commissioner Everett asked about the slope from the material that had been removed, stating in the photos it appears as a steep pitch and his concern is that it might slough. Mr. Beck stated the photos are deceptive in that it is not that steep and that he did not believe it would slough. OSHA inspects the property continually and there is not a problem. A short discussion on the possibility of sloughing occurred.

**Motion: Commissioner Everett MOVED to recommend that the County Commission approve the Conditional Use Permit Extension for one year for a gravel crushing operation in the Pintura area of Washington County, for applicant SUNROC Corp. Commissioner Balen SECONDED. The motion carried with all six (6) Commissioners voting in favor.**

This item will go before the County Commission for approval on the consent agenda August 2, 2011.

**V. CONDITIONAL USE PERMIT EXTENSION.** Request permission for a racing event "15 Miler Turn Around" for a 5K and 15-mile run on August 6, 2011, beginning at 7:30 a.m., generally located 1.5 miles north of Pine Valley on Grass Valley Road; Blue Duck Racing/Bob Hermandson, applicant.

The Planner reported this is the 2<sup>nd</sup> annual review of an event sponsored by the Blue Duck Racing Association for a 5K and 15-mile run along Grass Valley Road and running north toward Pinto. This item was tabled last month, due to a lack of representation. These types of events are reviewed conditionally at a public meeting to ensure that citizens have the opportunity to comment on the application (County Code 10-18-2 (amended 2008)). The staging area is approximately 1.5 miles north of Pine Valley. The race will begin at 7:00 am, and will be completed by 12:00 pm. The applicant will need a liability insurance policy in place, listing Washington County as a beneficiary. Previously, they expected 20-50 participants and the number of Port-a-Potties were based on that number. Aid stations will be located approximately every 2 miles. The Forest Service has set the criteria for this activity as to parking and public safety. An EMT will be on site and cell phones will allow for communication to emergency response with Enterprise as the provider. The applicant will update numbers of participants planned for this event.

Mary Jo Hermandson addressed the Commission stating the race went smoothly last year. She explained the changes for this year, noting that the race will start one-half hour later at 7:30 am and the port-a-potty at mile 3 may or may not be placed. There will be port-a-potties at the start/finish line and at the turnaround. They are looking at the number of contestants to determine if the additional port-a-potty is necessary.

Commissioner Balen asked how many runners participated last year. Ms. Hermandson answered around 275; however, this year the numbers are down a bit and they expect approximately 200 participants.

The Commission and applicant discussed the race, the number of participants and if there was a cap on the number of participants. A discussion regarding the additional port-a-potty occurred, which the commission deemed it should be included and the applicant stated they will have it put in place.

**Motion: Commissioner Everett MOVED to recommend that the County Commission approve a Conditional Use Permit Extension for the "15 Miler Turn-Around" 5K and 15-Mile Run request 1.5 miles north of Pine Valley on Grass Valley Road to be held August 6, 2011, for one year for Blue Duck Racing, applicant. Commissioner Christopher seconded. The motion carried with all six (6) Commissioners voting in favor.**

**VI. CONDITIONAL USE PERMIT EXTENSIONS.** Review extensions on crushing operation: (1) near Veyo, Utah in Section 11, T40S, R17W, SLB&M; and, (2) Frei Pit in Section 36 T41S, R17W, SLB&M located south of Ivins; Progressive Contraction Inc., applicant.

The Planner reported this will be the 10<sup>th</sup> extension for these two sites and there seems to have been no activity at these locations. As per the previous meeting minutes, Progressive Contracting desires to retain the right of use for projects that may become available. Whereas, the County has been seeing a lot of development in the Ivins area, it would be well for the Planning Commission to review these uses annually and note that it is approved according to the conditions set at the previous meetings. She explained the locations of the pits reporting there have not been any complaints on these projects.

John Wilson representative of Progressive Construction reported that the Veyo pit had not been used for the last few years. They keep the pit open because when they bid a job and if they are awarded the contract, the pit would be ready to go. Otherwise, there would be a lengthy process to go through to get started. They would like to have the extension granted so that when they are able to utilize the pit they can without going through the permitting process again.

There were no additional comments or questions regarding the Veyo pit.

**Motion: Commissioner Balen MOVED to recommend that the County Commission approve the Conditional Use Permit Extension for the crushing operations: (1) near Veyo, Utah in Section 11, T40S, R17W, SLB&M for one year; Progressive Contraction Inc., applicant. Commissioner Everett seconded. The motion carried with all six (6) Commissioners voting in favor.**

The Planner explained the location of the Frei pit. She noted it has not been used in a few years either. There have been a number of large trucks parked on the property over the past couple of years that do not belong to the applicant; however, it is unknown at this time if those trucks are still at the location or if they had been removed. Most of the material has been removed. The applicant would still like the use of the pit and requests that the Conditional Use Permit extension approved.

Kurt Gardner stated that the trucks are still on the site; however, there has been a lot of work to clean up the other material on the site. A discussion regarding the trucks ensued between the commission and staff; the discussion also included the property owner information and who has the rights to use the property.

Mr. Wilson reported the trucks are owned by Ryan Trucking who uses it as a staging area. He stated that currently Progressive Contracting does not have a lease with the owners of the property.

The Commission discussed the property and determined that due to legal ramifications, the applicant needs to get a lease or something in place with the property owner before the Conditional Use Permit is extended. The Commission suggested tabling this item until such time as the applicant can get some type of agreement from the property owner.

**Motion: Commissioner Christopher MOVED to table approval of the Conditional Use Permit Extension for the crushing operations (2) Frei Pit in Section 36, T41 S, R17W, SLB&M until some type of agreement with the property owner is in place Progressive Contraction Inc., applicant. Commissioner Everett seconded. The motion carried with all six (6) Commissioners voting in favor.**

**VII. CONDITIONAL USE PERMIT EXTENSION.** Review extension for the “Redrock Relay Race” from Brian Head to SR 18 near Enterprise, Veyo, through St. George and other communities then to SR9, ending at Zion’s, Saturday, September 10, 2011, within the County unincorporated areas; Tim Collings, applicant.

The Planner reported this is a review of the 2<sup>nd</sup> extension for the two (2) day event sponsored by Tim Collings/Red Rock Relay to be held on September 9, 2011 and ending at Zion’s on September 10th. This is a 12 man team event that covers 180 miles begins at Brian Head Resort and finishes at Zion’s. The route has been changed from Kolob Road to SR 18. The applicant will need an updated liability insurance policy in place,

listing Washington County as a beneficiary. The Washington County Sheriff's Department is aware of the event and working with the applicant on schedules.

This item was withdrawn by the applicant until the August 9, 2011 meeting when he would be able to attend.

The Commission and a member of the audience discussed this type of a race and how it is run. It is a one - hundred eighty-six mile relay race that is run with teams.

**VIII. CONDITIONAL USE PERMIT EXTENSION.** Review extension on an Ultra-marathon event, Red Mountain 50K, which begins west of Central on dirt roads and runs south of Red Butte to Gunlock, then onto the Shivwits Reservation along old Hwy. 91 to Ivins to be held on April 21, 2012; Red Mountain Running LLC/Jeremy Frehner, applicant.

The Planner reported this will be the 3<sup>rd</sup> extension for this event, which was moved ahead to guarantee a date selected in April. The race will be run April 21, 2012. There will also be a 30K race in conjunction with the 50K. This event is sponsored by the Red Mountain 50K LLC. This is an Ultra-marathon event 50K, with approximately two hundred fifty (250) attendees listed under their special event coverage. The run begins west of Central on dirt roads and runs south of Red Butte to Gunlock, past the reservoir and through the Shivwits Indian Reservation and on to Unity Park in Ivins. As previously reported, the applicant has obtained letters from the Public Works Department, BLM, and County Sheriff. The Shivwits Indian representative granted approval for crossing the reservation. The County would want to continue to be listed as a beneficiary of the liability insurance policy, review communication and emergency access. There have been no complaints on the race.

Phil Packard representing the Red Mountain 50K LLC explained the 50K and 30K races and what the lengths in miles were. He stated they had one incident last year, which involved a resident of the neighborhood the race went through. This individual didn't want the race in their neighborhood and changed the course by moving the markers, which increased the mileage. The sheriff's office investigated and cited the individual. This year, the race will not pass through the neighborhood and so there should be no problems in that area.

Commissioner Balen asked about the dirt road at the beginning and if it was difficult to run. Mr. Packer answered it was difficult but that is Ultra-marathon racing. The runners expect it to be difficult.

There were no other comments.

**Motion:** Commissioner Balen MOVED to recommend that the County Commission approve a Conditional Use Permit Extension for the Ultra-marathon Red Mountain 50K race request, which begins west of Central on dirt roads and runs south of Red Butte to Gunlock, then onto the Shivwits Reservation along old Hwy. 91 to Ivins on April 21, 2012; Red Mountain 50K LLC, applicant. Commissioner Christopher seconded. The motion carried with all six (6) Commissioners voting in favor.

**IX. CONDITIONAL USE PERMIT EXTENSION.** Request permission to install a proposed 100' lattice tower within the RA-1 zone, on 1 acre of land owned by Theresa Haury, in Veyo; Atlas Tower LLC Tower Owner and WiBlue, Inc./Nathan Foster, applicant.

The Planner reported this is an automatic annual review and communication towers are conditionally approved within the RA-1 zone. Previously, the applicant had submitted the site location plan and a drawing of the tower. The 100' tower meets the height requirement of the ordinance (County Code 10-21-2.C). There is a requirement for co-location and accessory equipment shelters to be reviewed. This application meets the requirement for a "lattice type" tower and there may be no need for a "fall" zone to be created, as this tower is located far enough

away from water tanks on the adjacent property and the Ag/Manufacturing Bldg on private property, with the leased area being 30' x 40' and the tower being centrally located. No permit has been issued on this item as yet.

No one was present to represent this request and the item was tabled until a representative was in attendance.

**Motion:** Commissioner Christopher MOVED to table the recommendation for a Conditional Use Permit extension request to install a proposed 100' lattice tower within the RA-1 zone, on 1 acre of land owned by Theresa Haury, in Veyo until the applicant could attend Commissioner Everett SECONDED. The motion carried with all six (6) Commissioners voting in favor.

**X. PUBLIC HEARING.** Open Hearing for a plat amendment approval for Staples Planned Development Amended, SW ¼, Section 12, T41S, R12W, SLB&M, generally located along Kolob Road North of Virgin; Edward M. Staples, applicant and Bush & Gudgell, Inc./Bob Hermandson, agent

**Motion:** The Motion was made, seconded, and unanimously approved to open the Public Hearing.

The Planner reported the commission will need to open a public hearing on this item as referenced by State Code, whereas all property owners within 500' of the subdivision have been sent by mail a 10-day notice of hearing and 24-hour posting of agenda before other public meeting. *This item is in conjunction with the item below.*

The Planner explained the project to the Commission and the changes that were made to the plat.

Commissioner Ford asked for clarification on whether or not the property is in the flood zone. The Planner answered it is outside the flood zone; however, last year there was some flooding of the area, which affected some homes in the area.

Todd Edwards County Engineer informed the Commission that the flash flooding in that area was due to the 2007 fire. Since that time, Mr. Staples had improved the property for flood prevention for a one hundred year flood. It is not officially in the flood plain but the improvements should take care of a future large flood if necessary.

Commissioner Wilson reported on the changes Mr. Staples had made to mitigate damages from flooding which included a concrete wall surrounding the cemetery.

Paul Wilson of Bush and Gudgell representative for Edward Staples asked if there were any questions.

There was no one who wished to speak and no additional comments.

**Motion:** The Motion was made, seconded, and unanimously approved to close the Public Hearing.

**XI. PLAT AMENDMENT.** Consider plat amendment approval for Staples Planned Development Amended, the purpose of the amendment is to revise lot 11 into a cemetery lot and non-dwelling unit lot, SW ¼, Section 12, T41S, R12W, SLB&M, generally located along Kolob Road North of Virgin; Edward M. Staples, applicant and Bush & Gudgell, Inc./Bob Hermandson, agent.

The Planner reported after closing the public hearing, the planning commission will review the Staples Planned Development Amended plat. The commission may recall having reviewed this in 2009. The changes to this plat were to revise lot 1 into a cemetery lot and a non-dwelling unit lot and to show an approximate 10' revision that was made on two properties. The applicant has submitted a newly revised final plat for the commission to review. This phase of platting includes documentation, certifications, location of percolation test pits and data, description and all other requirements for final approval (County Code 11-4-2). There is no need for additional

letters from utility companies or updates, whereas, all "will serve" letters were submitted with the preliminary platting years ago. The planner stated this meets all of the requirements for final approval.

Paul Wilson of Bush and Gudgeon representative for Edward Staples asked if there were any questions improvements to the property.

Commissioner Everett asked about the property line boundary in relation to the creek. Mr. Edwards explained the boundaries in relation to the creek and the open space of the property since the beginning of the project.

A short discussion regarding the property, the improvement, and project took place.

There were no public comments.

**Motion:** Commissioner Christopher MOVED to recommend that the County Commission approve the amended plat for the Staples Planned Development Amended, the purpose of the amendment is to revise lot #1 into a cemetery lot and non-dwelling unit lot, SW ¼, Section 12, T41S, R12W, SLB&M, generally located along Kolob Road North of Virgin; Edward M. Staples, applicant. Commissioner Everett SECONDED. The Motion carried with all six (6) Commissioners voting in favor.

**XII. PUBLIC HEARING.** Open Hearing for Washington County General Plan on the private lands portion, part of the Washington County General Plan; County initiated.

**Motion:** The Motion was made, seconded, and unanimously approved to open the Public Hearing.

The Planner reported the commission will need to open a public hearing on this item as referenced by State Code, whereas amending a portion of the Washington County General Plan requires a minimum ten days published notice and 24 hour posting of agenda before other public meetings. *This item is in conjunction with the item below.*

The Planner reported John Willie has been working on the Washington County General Plan Community Plan amendments and would like to present them to the Commission for their recommendation to the County Commission to approve at their meeting on August 2, 2011.

John Willie presented the General Plan for the private lands portion reviewing seven (7) of the thirteen (13) community plans, which are Brookside/Pine Valley Mountain Farms, Dammeron Valley, Diamond Valley, Gunlock, Pine Valley, Winchester Hills, and Veyo. General Information regarding Private Land in Washington County and the six (6) additional community plans should be ready for review in September or October. He reviewed the information and reported on how the information was gathered. The Commission reviewed these plans at the work meeting June 28, 2011.

The commission and staff briefly discussed the plans.

Janet Castille of Veyo asked if Center Street in Veyo was a county road. She was advised it was. She stated her concerns about the mowing along Center Street which is where the pedestrians and 4-wheelers are to travel. She asked if they could get help in getting this issue taken care of and the roadway maintained. She had concerns regarding Hwy 18 maintenance and there is concern of fire. They would like to have the nuisance ordinance for a couple of properties in the town enforced. She asked that the speed limit on Center Street be increased.

A short discussion on the issues Ms. Castille cited occurred and the commission asked Staff to look into them.

There were no additional comments.

**Motion:** The Motion was made, seconded, and unanimously approved to close the Public Hearing.

**XIII. GENERAL PLAN AMENDMENT.** Consider amendment approval to the Washington County General Plan by adopting community plans for Brookside/Pine Valley Mountain Farms, Dammeron Valley, Diamond Valley, Gunlock, Pine Valley, Winchester Hills and Veyo a part of the private lands portion of the General Plan; County initiated.

The Planner stated that general Information regarding private land in Washington County and the six (6) additional community plans should be ready for review in September or October. The General Plan Community Maps are available on the County Web site for review. This has been properly advertised and effected entities notified. The planning commission will need to make facts and findings recommending approval to the County Commission. This amendment will go before the County Commission on August 2, 2011.

Commissioner Wilson asked about corrections that currently need to be made or made in the future. The Planner and Mr. Willie stated those changes can be made as an amendment. If there are any corrections that need to be made now, could those be given to staff to address those corrections before going to the County Commission.

The Commission and staff discussed the plan and future amendments. The commission discussed the item and found the findings and facts.

**Motion:** Commissioner Christopher MOVED to recommend that the County Commission approve the amendment to the Washington County General Plan by adopting community plans for Brookside/Pine Valley Mountain Farms, Dammeron Valley, Diamond Valley, Gunlock, Pine Valley, Winchester Hills and Veyo a part of the private lands portion of the Washington County General Plan. Based on the following facts of findings:

**Facts & Findings:**

- Mandated by State Statute to have a General Plan.
- These Community Plans were requested by the County Commission when the General Plan was implemented.
- These Community Plans may be used as a general guidance.
- These Community Plans will be public outreach.

**Commissioner Ford SECONDED. The Motion carried with all six (6) Commissioners voting in favor.**

**XIV. PUBLIC HEARING.** Open Hearing for Washington County Subdivision Ordinance amendments regarding Title 11-7-11Guarantee of Improvements 11-7-1: Method of Guarantee; C. Request for Final Inspection; F. Partial Release: 1.b.(5) Completion of utilities; and G. Retention; County initiated.

The Planner stated the commission will need to open a public hearing on this item as referenced by State Code, whereas amending Washington County Subdivision Ordinance requires a minimum ten days published notice and 24 hour posting of agenda before other public meeting. *This item is in conjunction with the item below.*

**Motion:** The Motion was made, seconded, and unanimously approved to open the Public Hearing.

The Planner stated this item concerns bonding language for Title 11-7-1(G). The Public Works Department has had a couple of calls over the language of this code section, so Mr. Whitehead asked that the language, which referred a bidder to this section of the code to just say the same thing that 11-7-1(b) says. The Lead Civil Attorney, Eric Clarke and staff, felt this was a simple amendment, which was advertised as a public hearing for the July 12<sup>th</sup> meeting.



At the request of this body, there have been several additional changes to that ordinance and is now back before you to approve the Ordinance Amendments to Title 11-17-1 which include the requested changes of the Planning Commission as follows: Guarantee of Improvements 11-7-1, Method of Guarantee; C. Request for Final Inspection; F. Partial Release: 1.b.(5) Completion of utilities; and G. Retention. These changes include: add in Section C, a timeline of eight (8) days for the letter from the County to be issued for acceptance or rejection of final inspection. Under Section F, Item B, Number 5, include cable and data lines to utilities before the asphalt is installed if they are to be installed under the road.

There were no public comments on this item.

**Motion: The Motion was made, seconded, and unanimously approved to close the Public Hearing.**

**XV. ORDINANCE AMENDMENT.** Consider amendment approval to the Washington County Subdivision Ordinance, Title 11-7-1 Guarantee of Improvements. 11-7-1: Method of Guarantee; C. Request for Final Inspection; F. Partial Release: 1.b.(5) Completion of utilities; and G. Retention; County initiated.

The Planner reported the commission reviewed this chapter at the previous meeting and had some changes they would like made. As reviewed previously, this is an amendment that the Public Works Director and staff has looked at and would like to have changes implemented. This amendment will be to Chapter 7 of the Washington County Subdivision Ordinance, Guarantee of Improvements. The Planning Commission may want to recommend approval as is, or review and vote for modifications, or table this item. If approved, this will go before the County Commission as a recommendation at their August 2, 2011 meeting.

The Commission discussed the changes and made the findings of facts.

**Motion: Commissioner Balen MOVED to recommend that the County Commission amend the Washington County Subdivision Ordinance, Title 11-7-1 Guarantee of Improvements 11-7-1: Method of Guarantee; C. Request for Final Inspection; F. Partial Release: 1.b.(5) Completion of utilities; and G. Retention based on the following facts of findings:**

**Facts & Findings:**

- These amendments are for clarification to the ordinance.
- These amendments are based on Staff's recommendation.

**Commissioner Everett SECONDED. The Motion carried with all six (6) Commissioners voting in favor.**

**XVI. DISCUSSION ITEM/ORDINANCE AMENDMENT.** Washington County Land Use (Zoning) Ordinance review possible amendment regarding Wind Energy Systems and Facilities; County initiated.

The Planner stated at a previous meeting, the planning commission decided to go with modifications to the existing Wind Energy Ordinance instead of starting over with the State model ordinance. The commission should review the Wind Energy Ordinance for possible amendments. At the last meeting a link was provided to attend a webinar on Wind Energy. Some of the commissioners who viewed this meeting may want to comment or make recommendations. You may recall the meeting where Perry Thomson, Associate Director for USTAR, Technology Outreach showed a power point presentation on certain areas in the ordinance that you may want to change. There is some text left out of the ordinance that needs to be addressed.

The Commission and staff discussed the item and concluded they would continue this item to a workshop meeting to review the ordinance amendments before sending the amended version to the County Commission.

**XVII. DISCUSSION ITEM/OPEN MEETING.** Review Utah Open and Public Meeting Act; County initiated.

The Planner stated she attended a UCIP meeting and was given information regarding the Utah Open and Public Meeting Act. UCIP has asked the information be reviewed with the Planning Commission to ensure compliance with the Open Meeting Act. The Commission reviewed the information and a discussion took place regarding compliance with the law. The Commission asked the attorney to put together a resolution for adoption allowing the Planning Commission to hold electronic meetings. The attorney agreed to put a resolution together for the Commission to adopt in the near future.

The County Attorney stated the presentation is not ready and will be presented at a future meeting.

**XVIII. STAFF DECISIONS.** Review of decisions from the Land Use Authority Staff Meeting held on July 5, 2011; County initiated.

The Planner reported on the decisions of the Land Use Authority Staff Meeting held July 5, 2011 as follows:

**ACTIONS OF THE LAND USE AUTHORITY STAFF JULY 5, 2011 MEETING**

**CONDITIONAL USE PERMIT EXTENSION:**

**A. Request permission for a single family dwelling (cabin) within the A-20 zone in Pinto Townsite. Monica Hafen, applicant.**

This is 2<sup>nd</sup> extension review for a single family dwelling within the A-20 zone. The building permit #6037 was issued and an inspection for Lathe was completed on July 19, 2010. As previously reviewed, the property was deeded as this size of parcel in 1971, so this is a grand-fathered parcel. A lot line adjustment was made, which made the parcel several feet smaller and the applicant's father-in-law is the owner of this parcel and surrounding parcels. The applicant has obtained approval of the Washington County Water Conservancy District (WCWCD) on densities in the Pinto area and the Southwest Utah Public Health Department (SWUPHD) has issued a septic permit. The private well meets quantity and quality. The site plans shows that the setback requirements are met within that zone. **The staff approved the Conditional Use Permit Extension for another one (1) year period.**

**B. Request permission to build a single family dwelling within the A-20 zone, Red Butte Terraces, lot 4, near New Harmony. Daniel and Lynn Pendery, applicants.**

This is an automatic annual review. Previously, the applicant met all of the requirements for the Conditional Use Permit by submitting a site plan, and having water supplied by the North Valley Water Company, with a receipt from the Ash Creek Sewer District on water density. A septic permit from the Southwest Utah Public Health Department has been issued. The site plan meets all setback requirements of 25' on all property lines of the 20 acre parcel and the building has been assigned permit #6147. Building Inspector Henry Brannon granted permanent power and granted final occupancy on February 18, 2011. **The staff approved the Conditional Use Permit for a single family dwelling granting permanent status.**

**C. Request permission to build an accessory dwelling attached to the carport and main dwelling, located at 2264 N. Dammeron Valley Dr. East, Dammeron Heights, Lot 4. Seth Foster, applicant.**

This is an automatic annual review. Previously, the applicant met the requirements for the Conditional Use Permit by submitting a site plan, deeds of ownership, septic permit from the Southwest Utah Public Health Department (SUPHD), and a culinary water use from the Dammeron Valley Water Works. Accessory dwellings are conditionally approved within residential zones, with this property containing a total of 5 acres. The property is accessed from the Dammeron Valley Dr. East, generally located north of Dammeron Valley Ranches. The site plan meets all setback requirements of 25' on all sides, rear and front and the building has been assigned permit #6151. The Wildland Urban Interface for fire protection would need to be addressed during the permitting process at the staff level. Laurence Parker, SUPHD

representative, stated that the septic permit meets their requirements and the Tina Esplin recalled the Washington County Water Conservancy District density approval letter. The Building Official Kurt Gardner granted final occupancy for the accessory dwelling on December 10, 2010. **The staff approved the Conditional Use Permit for a single family dwelling granting permanent status.**

**XIX. MINUTES.** Consider approval of the minutes of the regular Planning Commission meeting held June 14 & 28, 2011.

**Motion: Commissioner Everett MOVED to adopt the Minutes of June 14, 2011. Commissioner Ford SECONDED. The motion passed with all six (6) commissioners voting aye.**

**The June 28, 2011 Minutes were continued until the next meeting.**

**XX. COUNTY COMMISSION ACTION REVIEW.** Review of action taken by the County Commission on Planning Items on July 5, 2011; County initiated.

The Planner reported there were no Planning items on the agenda for the County Commission to approve.

**XXI. COMMISSION & STAFF REPORTS.** General reporting on various topics; County initiated.

A discussion regarding the packet information that was not available on the website along with the remedies that could be made occurred.

Commissioner Wilson suggested inviting someone from the State Offices to report to the County regarding what is happening with State and UDOT projects. This could be done on a yearly basis. A short discussion regarding UDOT projects and roadway construction and issues took place.

**The Planner stated the next meeting will be a regular meeting on August 9, 2011.**

Motion was made and seconded to adjourn the meeting at 4:00p.m.

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Doreen Bowers-Irons  
Planning Secretary

Approved: 09 August 2011